

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Applicant,)	
)	MISCELLANEOUS ACTION NO:
v.)	
)	
FOXCONN CORPORATION)	
)	
Respondent.)	
)	

**APPLICATION FOR AN ORDER TO SHOW CAUSE
WHY AN ADMINISTRATIVE SUBPOENA SHOULD NOT BE ENFORCED**

1. This is an action for enforcement of a subpoena issued pursuant to Section 710 of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-9 and the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621, *et seq.* ("ADEA"). See 29 U.S.C. § 626(a).

2. Jurisdiction is conferred upon the Court by Section 706(f)(3) of Title VII, 42 U.S.C. § 2000e-5(f)(3), and by Section 11 of the National Labor Relations Act, 29 U.S.C. § 161, as amended, incorporated in Section 710 of Title VII, 42 U.S.C. § 2000e-9.

3. Jurisdiction is also conferred upon the Court by Sections 9 and 10 of the Federal Trade Commission Act of 1914, as amended, 15 U.S.C. § 49, Section 9 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 209 and 211, and through § 209, in Section 7(a) of the ADEA, 29 U.S.C. § 626(a).

4. Applicant and Plaintiff, the Equal Employment Opportunity Commission ("EEOC"), is the federal agency charged with the administration, interpretation, and enforcement

of Title VII and the ADEA, including the investigation of charges of unlawful employment practices, and is authorized to bring this action pursuant to Section 710 of Title VII, 42 U.S.C. § 2000e-9 and Section 7(a) of the ADEA, 29 U.S.C. § 626(a).

5. The Respondent is an employer doing business in the State of Texas with a facility at 8801 Fallbrook Dr. in Houston, Texas.

6. On September 26, 2007, pursuant to its authority under Section 710 of Title VII, 42 U.S.C. § 2000e-9 (incorporating 29 U.S.C. § 161) and Section 7(a) of the ADEA, 29 U.S.C. § 626(a) (incorporating 29 U.S.C. § 209, which, in turn, incorporates 15 U.S.C. § 49), the EEOC issued to the Respondent Subpoena Nos. HU-A7-21 and HU-A8-01, which were duly served on the Respondent.

7. Subpoena Nos. HU-A7-21 and HU-A8-01 required the Respondent to produce documents and information, including the oral testimony of three witnesses, needed as part of the EEOC's investigation of a charge of unlawful employment practices, Charge No. 460-2007-03371, which has been filed against the Respondent.

8. The Respondent has not filed a petition to revoke or modify the Subpoena.

9. The Respondent has refused to fully comply with Subpoena Nos. HU-A7-21 and HU-A8-01.

10. Respondent's failure to fully comply with the Subpoenas has delayed and hampered the EEOC's investigation.

11. The accompanying Affidavit of R.J. Ruff, Jr., District Director, filed concurrently herewith, and the exhibits thereto, and the Affidavit of Lucia Pan, EEOC Investigator, provide the factual support for this Application and the accompanying and incorporated Memorandum in

Support of Application. The Affidavits and the exhibits are incorporated by reference into this Application and the accompanying Memorandum.

WHEREFORE, the Equal Employment Opportunity Commission prays:

- a) That the Court issue an Order directing the Respondent to appear before this Court and to show cause, if there be any, why an Order should not issue directing the Respondent to fully comply with Subpoena Nos. HU-A7-21 and HU-A8-01;
- b) That, upon return of the Order to Show Cause, an Order issue directing the Respondent to fully comply with the Subpoenas; and
- c) That the Equal Employment Opportunity Commission be granted its costs and such further relief as may be necessary and appropriate.

Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

RONALD S. COOPER
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel
1801 L. Street, N.W.
Washington, D.C. 20507

/s/ Connie K. Wilhite _____
Connie K. Wilhite
Trial Attorney
Attorney-in-Charge
Texas Bar No. 00792916
Southern Dist. of Texas No. 23624

Equal Employment Opportunity Commission
1919 Smith Street, 6th Floor
Houston, Texas 77002
(713) 209-3390
(713) 209-3402 [facsimile]

OF COUNSEL:

Jim Sacher
Regional Attorney

Rose Adewale-Mendes
Supervisory Trial Attorney
Equal Employment Opportunity Commission
1919 Smith Street, 6th Floor
Houston, Texas 77002

CERTIFICATE OF SERVICE

I certify that on the 17th day of July, 2008, a copy of the Commission's Application to Enforce Administrative Subpoena and the Memorandum in Support of Application to Enforce Administrative Subpoena were sent via certified mail, return receipt requested, to Respondent Foxconn Corporation, through its registered agent at the following address:

Sean Phillips
Foxconn Corporation
8801 Fallbrook Dr.
Houston, Texas 77064

and via U.S. mail first class to the person(s) having custody or control of the desired documents, at the following address:

Mr. Henry Cheng, President
Mr. Justin Ong, Human Resources Manager
Foxconn Corporation
8801 Fallbrook Dr.
Houston, Texas 77064

_____/s/_ Connie K. Wilhite_____
Connie K. Wilhite